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PTO/SB/65 (3-09)

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Approved for use through 03/31/2012. OMB 0651-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

Docket Number (Optional)

RECEIVED

MAR 01 2011

OFFICE OF PETITIONS

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450
Fax: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent Number: 6417431

Application Number: 09735133

Issue Date: 07/09/02

Filing Date: 12/11/00

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable:

02/22/2011 DALLEN 00000010 6417431

The above-identified patent:

01 FC:1599

1940.00 00

☐ is a reissue of original Patent No. _____ original issue date _____
original application number _____
original filing date _____

☒ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application

09735133 filed on 12/11/00

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is

(1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 OR

(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

02/01/11
Date

Clark A. Wilkinson
Signature

CLARK A. WILKINSON
Typed or printed name of person signing Certificate

[Page 1 of 4]

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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1. **SMALL ENTITY**☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.272. **LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS**☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)3. **MAINTENANCE FEE (37 CFR 1.20(e)-(g))**

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input type="checkbox"/> \$ _____	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input checked="" type="checkbox"/> \$ _____	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input type="checkbox"/> \$ _____	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 1240⁰⁰4. **SURCHARGE**The surcharge required by 37 CFR 1.20(i)(1) of \$ 700⁰⁰ (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.SURCHARGE FEE BEING SUBMITTED \$ 700⁰⁰5. **MANNER OF PAYMENT**☒ Enclosed is a check for the sum of \$ 1240⁰⁰☐ Please charge Deposit Account No. _____ the sum of \$ _____☐ Payment by credit card. Form PTO-2038 is attached.6. **AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY**☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. _____

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7. OVERPAYMENT

As to any overpayment made, please

☐ Credit to Deposit Account No. _____

OR

☒ Send refund check**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

Clark A. Wilkinson

Signature(s) of Petitioner(s)

02/01/11

Date

CLARK A. WILKINSON

Typed or printed name(s)

2,537,671

Registration Number, if applicable

P.O. Box 452

Address

707-986-7002

Telephone Number

Whitethorn CA 95589

Address

ENCLOSURES:



Maintenance Fee Payment



Statement why maintenance fee was not paid timely



Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)



Other:

Letter from Doctor

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

Clark A. Wilkinson

Signature

02/01/2011

Date

CLARK A. WILKINSON

Type or printed name

2,537,671

Registration Number, if applicable

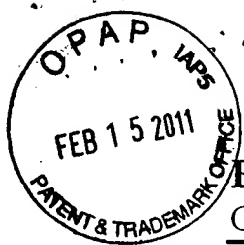
STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

I suffer from a variety of medical conditions resulting from a head-on collision by a negligent driver. I suffer Traumatic Arthritis, PTSD, ADHD, and have had numerous visits to my doctor in regard to these problems. At the time when my maintenance fee's were due the arthritis moved into my knees and have crippled my ability to walk. So to have all these medical problems hit me at the time I should have been monitoring the USPTO due dates. The delay in payment was unavoidable until now.

- 1.) I became aware of the expired patent when I received the notice in the mail on 08/09/10.
- 2.) I called the USPTO assistance center for advice.
- 3.) I got the fee's due for the maintenance payment.
- 4.) I printed out the form PTO/SB/65 and submitted the form and fee's.
- 5.) Enclosed is a letter statement from my doctor.

(Please attach additional sheets if additional space is needed)



Redwoods Rural Health Center
COMPLETE FAMILY HEALTH CARE
P.O.Box 769, Redway, CA 95560

(707) 923-2783

February 3, 2011

RECEIVED

MAR 01 2011

OFFICE OF PETITIONS

RE: CLARK WILKINSON

DOB: 11/13/56

To Whom It May Concern:

I am writing this letter on behalf of my patient, Mr. Wilkinson. He has been under a doctor's care for injuries sustained in a head on car collision. He has been seen on multiple occasions for problems resulting from the accident over the past five years. He has problems with both physical functioning, as well as psychological functioning and exhibits evidence of PTSD in regards to this injury. His failure to pay his patent maintenance fees was unavoidable due to his medical conditions, of which he is still suffering.

If I can be of any further assistance, please feel free to contact me at the number listed above. I thank you for your time and care.

Respectfully,

Wendi S. Joiner, M.D.
WSJ/dmi2/DM#:1065670